

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

KENNETH W. DAVIS,

Plaintiff,

v.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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CIVIL ACTION NO. 5:22-CV-31-RWS-JBB

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge, which recommends the above-entitled Social Security action be affirmed. Docket No. 20. Plaintiff Kenneth W. Davis initiated this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the denial of his application for social security benefits. Docket No. 1. The case was referred to United States Magistrate Judge J. Boone Baxter in accordance with 28 U.S.C. § 636. The Magistrate Judge issued a Report recommending that the Social Security action be affirmed. Docket No. 20.

Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of the Magistrate Judge's proposed findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge.

Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 20) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-entitled and numbered Social Security action is **AFFIRMED**.

So ORDERED and SIGNED this 18th day of August, 2023.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE